

A bill giving the assent of the State of Texas to an Act to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the Act of Congress, of Sept. 7th, 1850, which was passed at the second session of the 33d Congress of the United States and approved Feb'y 8, 1855—read third time.

On motion of Mr Russell, the Senate adjourned until 10 o'clock to-morrow morning.

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TUESDAY, JANUARY 15th, 1856.

The Senate was called to order, by the President pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr Flanagan presented the petition of W. R. Elliot, for \$1100 00; referred to the committee on claims and accounts.

Mr Potter chairman of the committee on the Judiciary, made the following reports:

The Judiciary committee, have examined a joint resolution proposing an amendment to the constitution. The resolution proposes that the 34th Section of Art. 7th be so amended that new counties may be established with an area of five hundred and seventy six square miles, provided the counties from which they are taken are not reduced to less contents. The committee are of the opinion that the provisions of this Section for the establishment of new counties is a wise and salutary one; that it is sufficiently restrictive; and that there is no necessity for the proposed amendment. Wherefore I am instructed to report the resolution back to the Senate and to recommend its rejection.

The Judiciary, committee have considered a bill for the relief of the heirs or assigns of John B. Webb, and return the same recommending its passage.

The Judiciary committee have had before them, a bill concerning the acknowledgement of deeds, and amendatory of Art. 2794 of Hartley's Digest of the laws of Texas, and a bill to authorize and require certain suits pending in the District courts in and for the counties of Hill and Ellis, to be transferred to the county of Johnson, and deeming the proposed legislation unnecessary, return the bills recommending their rejection.

Mr Grimes chairman of the committee on Finance, to which was referred a bill authorizing the Assessor and Collector of Tarrant county to collect the taxes now assessed in the former territory of Tarrant county, now Parker county, and pay over the same to the county Treasurer of said Parker county; reported the same back, recommending its passage.

Mr Grimes chairman of the same committee, to which was referred, a bill for the relief of Ragsdale and others, and the petition of James H. Brown, asking pay for military services; reported the same back, requesting their reference to the committee on claims and accounts.

On motion of Mr Taylor of Fannin, the rule was suspended, and the report taken up and adopted.

Mr Russell from the committee on Engrossed bills, reported as correctly engrossed, a bill granting to Ben'j T. Duval, the privilege of establishing a Ferry on the Neches River, and to protect his mills from back-water.

Mr Pirkey from the committee on public lands, submitted the following report:

The committee on public lands, to which was referred the petition of the heirs of Orman Logan, Geo. W. Coffee, Wm. Ragan, of David Weigart, and of Elsey B. Russell, Fielding Neil, Theodore Kohlhaas and have considered the same, and find the facts as follows:

The persons above named, came to Texas as soldiers, subsequent to the declaration of Independence of the late Republic, and prior to the 1st day of August 1836; remained until they were discharged and left the country. They received their bounty warrants, and now claim head-rights under the 29th Section of the general land law of 1837. The committee are of opinion that the mere fact that they came to the country as soldiers between those periods did not entitle them to head-rights without residence. I am therefore instructed by the committee to report the applications back, recommending their rejection.

Mr Bryan chairman of the committee on Education, to which was referred a bill to incorporate Soule University; reported the same back, recommending its passage.

On motion of Mr McDade, the rule was suspended, and the bill was taken up, read and ordered to engrossed.

On motion of Mr Palmer the rule was suspended, bill read 3d time and passed by the following vote:

YEAS.—Messrs. Allen, Bryan, Caldwell Flanagan, Grimes, Guinn, Hill, Lott, McDade, Martin, Maverick, Millican, Palmer, Pirkey, Potter, Russell, Superviele, Taylor of Cass, Taylor of Houston, Truit, Weatherford, Whitaker, and White,  
—23.

NAYS.—Mr Wren,—1.

Mr Taylor, of Cass, chairman of the committee on Public Debt, submitted the following report:

The committee on Public Debt have considered "A Bill making an appropriation to pay a portion of the Public Debt." From an investigation, they find that this appropriation is to

pay a certain audited draft, audited by the Legislature in 1848, in favor of Stewart Perry. The Legislature up to this time has refused to pay this draft, upon the ground that the Legislature of 1848, erred in auditing it. The committee see no way of getting rid of this draft, save by paying it. It is an acknowledged debt against the State, is now in the hands of third parties, and although it may have been passed, as some allege, by sympathy, when it had but little merit, we believe the State will eventually pay it, and if so, the sooner the better. I am therefore instructed by a majority of the Committee, to report the bill back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill.

Amendment—In the 5th line after the word "allowed" insert "to Stewart Perry."

Mr Hill, from the Committee on Private Land Claims No. 1, made the following report:

The Committee on Private Land Claims, No. 1, have considered the petition of the administrator of the estate of Wm. Stephenson, deceased, asking for 640 acres of land as the Head Right of such decedent, and find that said Wm Stephenson emigrated to Texas in 1841, with his family, and continued to reside in this State until his death, which occurred in 1844. The Committee are satisfied that the heirs of the said Wm Stephenson are entitled to a grant of 640 acres of land, and instruct me to report the accompanying bill for their relief, and recommend its passage.

A bill for the relief of the heirs of Wm Stephenson. Read first time.

Mr Taylor, of Houston, Chairman of the Select Committee submitted the following report:

The Select Committee, to which was referred the claim of James W Parker, asking for land and money, have considered the same, and direct me to report the same back; asking to be discharged from any further consideration upon it.

A message was received from the House, informing the Senate, that the House had passed "A bill for the relief of the heirs and assignees of Thomas Williams, originating in the Senate, also a bill defining the seventh Judicial District and the time of holding courts in the same, and a bill to incorporate the city of Marshall, with amendments; also, that the House had passed a substitute for a bill originating in the Senate to create the fifteenth Judicial District, provide for the election of a Judge and District Attorney thereof, and define the time of holding courts in the same.

Mr Allen, chairman of the Committee on enrolled bills, made the following report:

The joint committee on enrolled bills have examined the following bills—viz: A Bill supplemental to an Act to incorporate the Sulphur Fork Turnpike company. A Bill to remove the Land Office of the Milam Land District from Cameron in Milam County, to Belton in Bell county. A Bill to authorize the Comptroller to issue certain lost certificates of stock on certain conditions. A Bill authorizing the transfer of certain stock bonds on certain conditions, and A Bill to amend an act and supplemental to an act to establish the Galveston, Houston, and Henderson Rail Road Company, and find the same correctly enrolled, properly signed, and this day presented to the Governor.

Mr. Palmer offered the following resolution:

*Resolved*, That the use of the Senate Chamber be tendered the Conventions of the Democratic and American Parties during their respective sessions, provided that this resolution shall not interfere with the regular morning sessions of the Senate."

Mr Flanagan moved to amend by striking out all in the resolution relating to the American Party. Lost, and the resolution adopted.

On motion of Mr Wren, the rule was suspended, and A Bill for the relief of the young men of Lamar and Red River counties was taken up and made the special order for to-morrow.

#### ORDERS OF THE DAY.

A bill making appropriations for the improvements of the navigation of the Rivers of the State, together with the amendment offered by Mr Weatherford on yesterday, was taken up and amendment adopted by the following vote.

YEAS—Messrs. Armstrong, Bryan, Burroughs, Doane, Flanagan, Grimes, Guinn, Lott, Martin, Maverick, Millican, Palmer, Pirkey, Potter, Russell, Scarborough, Superviele, Taylor, of Cass, Taylor, of Houston, Truit, Weatherford, Whitaker, White, and Wren—24.

NAYS—Messrs Caldwell and Hill—2.

On motion of Mr White, that portion of the bill which appropriates \$10,000 for the Guadalupe river below its junction, with the San Antonio river, was amended so as to make it read "Provided that ten thousand dollars or so much thereof as is necessary, shall be expended in the Guadalupe river, below its junction with the San Antonio river, and in improving the bars at its mouth and in the Espiritu Santo Bay.

On motion of Mr Pirkey, that portion of the bill relating to the improvement of Red river was amended so as to make it

read, "That twenty thousand dollars be and the same is hereby appropriated for the improvement of the navigation of Red river, which shall be expended under the direction of the chief justices of Bowie, Red river and Lamar counties, or any two of them."

Mr Flanagan moved to amend by adding "Provided that \$16,000 of the amount appropriated for the Sabine river shall be expended on said river above Logan's Port, as the commissioners may deem appropriate in improving the navigation of the same."

Mr Lott offered the following as a substitute for the amendment, "Strike out \$33,000 for the Sabine and insert \$40,000, and that \$10,000 of said sum be appropriated on said river above Fredonia, up to Belzoria in Smith county"—rejected by the following vote:

YEAS—Messrs Armstrong, Burroughs, Hill, Hord, Lott, Russell, Scarborough, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Tuit, Weatherford and Wren—13.

NAYS—Messrs. Allen, Bryan, Caldwell, Flanagan, Grimes, Guinn, McCulloch, Maverick, McDade, Martin, Millican, Palmer, Pirkey, Potter, Superviele, Whitaker and White—17.

Mr Flanagan's amendment was then rejected by the following vote—two thirds being necessary for its adoption:

YEAS—Messrs. Armstrong, Doane, Flanagan, Grimes, Guinn, Hord, Martin, Maverick, Pirkey, Russell, Taylor of Houston, Tuit, Weatherford, White and Wren—15.

NAYS—Messrs. Bryan, Burroughs, Caldwell, Hill, Lott, McDade, Millican, Palmer, Potter, Superviele, Taylor of Cass and Whitaker—12.

Mr Russell offered the following substitute for the caption of the bill: "An act making an unequal distribution of the public money, as well as for the creation of money officers."

On motion of Mr Taylor of Cass rejected by the following vote:

YEAS—Messrs Allen, Bryan, Burroughs, Caldwell, Guinn, Hill, Lott, McDade, Martin, Maverick, Millican, Palmer, Pirkey, Potter, Scarborough, Superviele, Taylor of Cass, Taylor of Houston, Tuit, Weatherford, Whitaker, White and Wren—23.

NAYS—Messrs Armstrong, Doane, Flanagan, Grimes, Hord, McCulloch, Russell, and Taylor of Fannin—8.

Mr Hord moved to amend by inserting "five thousand dollars for the mud flats, between Corpus Christi and Aransas Bay, and five thousand dollars for the improvement of the Nueces river commencing at its mouth"—lost.

Mr Guinn moved to amend by adding "provided no money

shall be drawn from the Treasury under the provisions of this act, until the citizens on the respective streams shall first raise by private subscription, a sum equal to one third the amount proposed to be appropriated to said streams."

Mr Weatherford moved to amend the amendment by striking out "one third" and inserting "one fourth."

On motion of Mr Potter the amendment and amendment to the amendment were laid on the table by the following vote :

YEAS—Messrs Armstrong, Bryan, Burroughs, Doane, Hill, McCulloch, McDade, Martin, Millican, Palmer, Pirkey, Potter, Scarborough, Taylor of Cass, Taylor of Houston, Truit, Weatherford, Whitaker, and White—19.

NAYS—Messrs Allen, Caldwell, Flanagan, Grimes, Guinn, Hord, Lott, Maverick, Russell, Taylor of Fannin and Wren—11.

Mr Burroughs offered the following as a substitute for the caption, "A bill to be entitled an act making appropriations for certain internal improvements therein named"—adopted.

Mr Armstrong offered the following amendment, in the appropriation for the Brazos river, "Strike out \$40,000 and insert \$45,000—\$15,000 of which shall be expended above the town of Washington.

On motion of Mr McDade, laid on the table.

Mr Armstrong offered the following amendment, "That \$15,000 of the money appropriated for the Brazos river be expended above the town of Washington."

On motion of Mr Hill, laid on the table.

Mr Armstrong offered the following amendment, "That \$12,000 of the sum appropriated for the Brazos river be expended above the town of Washington."

On motion of Mr Hill the previous question was ordered.

The bill was then rejected by the following vote—two thirds being necessary to its passage :

YEAS—Messrs Armstrong, Bryan, Burroughs, Hill, McDade, Maverick, Millican, Palmer, Pirkey, Potter, Scarborough, Superviele, Taylor of Cass, Taylor of Houston, Truit, Weatherford and Whitaker—17.

NAYS—Messrs Allen, Caldwell, Doane, Flanagan, Grimes, Guinn, Hord, Lott, McCulloch, Martin, Russell, Taylor of Fannin, White and Wren—14.

On motion of Mr White the vote rejecting the bill was reconsidered.

On motion of Mr Palmer the vote ordering the previous question was also reconsidered.

Mr Palmer offered a bill to be entitled an act to encourage

the improvement of the navigation of the rivers and other navigable streams of Texas as a substitute for the bill.

On motion of Mr Palmer the bill and substitute were made the special order of the day for Saturday next, the 19th inst.

A bill giving the assent of the State of Texas to an act to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of Sept. 9, 1850, which was passed at the 2d session of the 33d Congress of the United States and approved Feb. 8, 1856, was taken up.

On motion of Mr Taylor of Cass the Senate adjourned until 3 o'clock, P. M.

3 O'clock, P. M.

Senate met—roll called—quorum present.

The consideration of the bill before the Senate at its adjournment was resumed.

On motion of Mr Potter, a call of the Senate was ordered—the call being suspended, Mr Taylor of Cass offered the following amendment:

"Provided, that this act shall not take effect until a majority of the people of the State have voted in favor of it."

On motion of Mr Palmer, the amendment was laid on the table by the following vote:

YEAS—Messrs Bryan, Caldwell, Doane, Flanagan, Guinn, Hill, Lott, McCulloch, Maverick, Palmer, Potter, Scarborough, Superviele, Taylor of Fannin, Whitaker and White—16.

NAYS—Messrs Allen, Armstrong, Burroughs, Grimes, McDade, Martin, Millican, Pirkey, Russell, Taylor of Cass, Taylor of Houston, Truitt, Weatherford and Wren—14.

The bill was then passed by the following vote:

YEAS—Messrs Bryan, Caldwell, Doane, Flanagan, Guinn, Hill, Lott, McCulloch, Maverick, Palmer, Potter, Scarborough, Superviele, Taylor of Fannin, Whitaker and White—16.

NAYS—Messrs Allen, Armstrong, Burroughs, Grimes, McDade, Martin, Millican, Pirkey, Russell, Taylor of Cass, Taylor of Houston, Truitt, Weatherford and Wren—14.

Mr Grimes introduced a bill supplemental to an act to define the time of holding the District Courts in the thirteenth judicial District—read first time.

On motion of Mr Grimes, the rule was suspended, bill read second time and ordered to be engrossed.

On motion of Mr Grimes, the rule was further suspended, bill read third time and passed.

On motion of Mr Taylor of Houston, a bill for the relief of C. M. Goolsby was taken up, read third time and passed.

On motion of Mr Palmer, a bill to create the 15th Judicial

District, provide for the election of Judge and District Attorney thereof, and define the time of holding Courts in the same, was taken up and read first time.

Mr Palmer moved a suspension of the rule—lost.

On motion of Mr Palmer, a bill defining the seventh Judicial District and the time of holding Courts in the same, was taken up and the amendments of the House concurred in.

On motion of Mr Palmer the rule was suspended and a bill to create the fifteenth Judicial District, provide for the election of Judge and Attorney General thereof and define the time of holding courts in the same was taken up—read second time and passed to a third reading.

On motion of Mr Palmer, the rule was further suspended—bill read third time and passed.

A bill requiring the return of unconditional certificates to the General Land Office, read third time and passed.

Mr Maverick, by leave, presented the petition of E T Moore, referred to the committee on finance.

Mr Armstrong introduced a bill for the relief of Cling Pearson—read first and second times and referred to the committee on private land claims no. 1.

On motion of Mr Bryan, a bill making a donation of ten sections of land to Robert Wilson for personal services rendered the late Republic of Texas, during her revolution, was made the special order of the day for Monday the 21st inst., at 12 o'clock, M.

On motion of Mr Taylor of Houston, the Senate adjourned until 10 o'clock to-morrow morning.

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WEDNESDAY, Jan. 16, 1856.

The Senate was called to order pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr Hill presented the petition of S W Pipkin; referred to the committee on Claims and Accounts.

Mr McCulloch presented the petition of the citizens of Hays county, praying the passage of a prohibitory law; referred to the committee on State Affairs.

Mr Superviele presented the petition of Pedro Villa; referred to the committee on Claims and Accounts.

Mr Weatherford presented the petition of Cling Pearson—referred to the committee on Private Land Claims, No. 1.

Mr McDade presented the petition of H. Fisher; referred to the committee on Public Lands.

Mr Taylor, of Cass, chairman of the committee on Public